

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
STATE OF TEXAS,)	
)	
Plaintiff,)	Civil Action No. 4:18-cv-03368
)	
v.)	
)	
CITY OF HOUSTON, TEXAS,)	
)	
Defendant,)	
)	
_____)	

**PLAINTIFF UNITED STATES' UNOPPOSED MOTION TO STAY PROCEEDINGS
TO ALLOW THE PARTIES TO COMPLETE SETTLEMENT NEGOTIATIONS**

On September 20, 2018, the United States Department of Justice, on behalf of the United States Environmental Protection Agency, filed a Complaint against the City of Houston ("Houston" or "the City"), Texas, pursuant to the Clean Water Act ("CWA"), 33 U.S.C. § 1251, *et seq.* The Complaint relates to Houston's wastewater treatment plants and wastewater collection and transmission system (generally referred to the Houston "sewer system"). For good cause and consistent with judicial economy, the United States moves the Court to stay all litigation activity for a period of at least 90 days to allow the parties to continue and, if able, complete ongoing settlement discussions. Counsel for the State of Texas and for the City have authorized the United States to represent that they support this motion.

In support of this motion, the United States avers as follows:

The U.S. Department of Justice, U.S. Environmental Protection Agency, the Attorney General of the State of Texas, the Texas Commission on Environmental Quality, and Houston (the “parties”) have been engaged in settlement discussions for several years in an effort to address alleged violations of the CWA and the Texas Water Code with respect to Houston’s sewer system. These discussions have stretched over several years because Houston operates one of the largest sewer systems in the Nation and the issues subject to the discussions are complex and highly technical. Prior to Hurricane Harvey the parties made significant progress toward a final agreement. Due to the devastating impact of Hurricane Harvey, the parties agreed to suspend settlement negotiations to allow the City’s leadership to focus attention on the health and safety of its citizens and the damage caused by Hurricane Harvey. Recently, the parties resumed negotiations and have continued to make good progress toward an agreement.

On July 23, 2018, the Bayou City Waterkeeper provided notice to the Mayor of Houston, the U.S. Environmental Protection Agency, and the Texas Commission on Environmental Quality of its intent to initiate a civil lawsuit against the City pursuant to the citizen suit provisions of the CWA. The notice letter states that the suit will allege the City’s failure to comply with state-issued permits and other violations of the CWA. Under the citizen suit provisions of the CWA, no such action may be commenced prior to sixty days after providing notice and, thereafter, if the EPA Administrator or the State has commenced and is diligently prosecuting an action in a court of the United States or a State to require compliance with the CWA.

The parties have consulted and believe that it would be in the best interest of each party, in the public’s interest, and consistent with judicial economy, to focus on continuing and completing settlement negotiations for a short period without any competing challenges

associated with litigation. If the stay of litigation activity is granted, the United States would file regular status updates with the Court at least once every 45 days. Should negotiations stall or the parties conclude that reaching a final agreement is not feasible counsel for the United States will promptly notify the Court.

Respectfully submitted,

FOR THE UNITED STATES

JEFFREY H. WOOD
Acting Assistant Attorney General
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U.S. Department of Justice

Dated: September 20, 2018

s/ Nathaniel Douglas
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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2018, I electronically transmitted the foregoing to the Clerk of Court using the ECF System for filing, and I caused the same to be served by e-mail and U.S. Mail on the following counsel:

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